

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

Cornell Carr, :

Defendant. :

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AFFIRMATION

07 Cr. 769 (JGK)

I, Jennifer Brown, hereby affirm under penalties of perjury,
pursuant to 28 U.S.C. § 1746, as follows:

1. I am an assistant Federal Defender with the Federal Defenders of New York and have been assigned to represent defendant Cornell Carr in this case.
2. I make this declaration in support of Cornell Carr's motion for relief in the NOTICE OF MOTION submitted herewith.
3. All statements herein are made upon information and belief unless otherwise indicated.
4. I have reviewed documents provided by the Government and conducted independent investigation into the facts and circumstances surrounding this case.
5. Cornell Carr is charged in the instant indictment with three counts of narcotics and firearms violations.
6. On December 5, 2007, a request was made for discovery by letter addressed to Assistant United States Attorney Steve Kwok. In response to that letter, Mr. Kwok has declined to produce the name, address, and date of

birth of the cooperating witness used in this case.

7. The indictment alleges that Mr. Carr possessed a firearm in furtherance of drug trafficking on August 9, 2007. The affidavit filed in support of a search warrant in this case alleges that Mr. Carr was seen in possession of a firearm on two occasions by a "cooperating witness." See Search Warrant Affidavit, Exhibit A.
8. No other witnesses are alleged to have seen Mr. Carr in possession of a firearm at any time.
9. At the time of his arrest on August 9, 2007, law enforcement officers did not see Mr. Carr in possession of any firearms. Rather, the firearms were found outside of the apartment in which Mr. Carr was arrested.
10. The cooperating witness is a material witness on the issue of Mr. Carr's possession of the firearm, and his possession of the firearm in furtherance of drug trafficking.

WHEREFORE, and on the grounds set forth in the attached Memorandum of Law, it is respectfully requested that this Court enter an Order granting Mr. Carr's motion for disclosure of the confidential informant.

Dated: New York, New York
December 6, 2007

JENNIFER BROWN, ESQ.